

FILED 12  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FT. WORTH DIVISION

2010 OCT -8 PM 1:36

CLERK OF COURT

**TIBER AVIATION S.r.l,**  
**Plaintiff**



**NO. 4:10-CV-232-A**  
**(Consolidated with No.**  
**4:10-:10-CV-232A)**

**TEXTRON FINANCIAL CORPORATION  
BELL HELICOPTER TEXTRON, INC.  
UNITED ROTORCRAFT SOLUTIONS,  
L.L.C., HELICOPTEROS Y VEHICULOS  
AEREAS NACIONALES, S.A., AND  
UNITED STATES OF AMERICA,  
DEPARTMENT OF COMMERCE,  
Defendants,**

**And**

**THE BELL 412EP HELICOPTER  
BEARING SERIAL NUMBER 36252  
AND TAIL NUMBER XA-HVN,  
Third Party Defendant.**

Pursuant to the Court's order and subject to their right to supplement, Defendants Textron Financial Corporation and Bell Helicopter Textron Inc. file this designation of expert witnesses:

**I. Retained Experts:**

CFC and Bell may call the following retained experts:

Sharon Desfor, ASA, MRCS  
Helivalu\$, Inc.  
PO Box 575  
Wauconda, IL 60084-0575  
Tel: (847) 487-8258  
Fax: (847) 487-0206

Ms. Desfor will testify as to the value of s/n 36252 and other matters contained in or related to her report. Ms. Desfor's report, resume, and publications and testimonial listing are attached as Exhibit A.

David Lopez  
Pulman, Cappuccio, Pullen & Benson, LLP  
2161 N.W. Military Highway, Suite 400  
San Antonio, Texas 78213  
Tel: (210) 222-9494  
Fax: (210) 892-1610

Mr. Lopez will testify as to aspects of Mexican law related to this case, including without limitation the matters contained in or related to his report. Mr. Lopez report, resume, and list of publications and testimony are attached as Exhibit B.

Michael Colpoys  
Smith & Moore  
500 Akard, ste 3030  
Dallas, TX 75201  
Tel: (214) 740-4200  
Fax: (214) 740-4242

Mr. Colpoys will testify about the attorney's fees and costs incurred by TFC and Bell in this matter and the matters discussed in his expert report. A copy of Mr. Colpoys' report and resume are attached as Exhibit C.

## **II. Interpreters/Translators Under Rule 604 and Otherwise.**

CFC and Bell list the following translators and interpreters who may be called upon to translate or interpret various documents. Since Federal Rule 604 states that an "interpreter is subject to the provisions of these rules relating to qualification as an expert," the following interpreters and translators are being listed out of an abundance of caution.

David Lopez  
Pulman, Cappuccio, Pullen & Benson, LLP  
2161 N.W. Military Highway, Suite 400  
San Antonio, Texas 78213  
Tel: (210) 222-9494  
Fax: (210) 892-1610

Mr. Lopez will translate certain aspects of Mexican law related to this case, including without limitation the translations contained in or related to his report. Mr. Lopez report, resume, and list of publications and testimony are attached as Exhibit B.

Oscar Velásquez  
Oscar Velásquez & Associates  
Professional Translators & Interpreters  
707 Serenade Drive  
San Antonio, TX 78216-3440  
Tel: 210-340-8449  
Fax: 210-340-3883

Mr. Velásquez will provide certified translations of various documents in the Spanish language, including without limitation those in the certifications attached as Exhibit D and as Exhibit 3 to the report of David Lopez. A resume of Mr. Velasquez is also attached in Exhibit D. Other than providing services as a translator or interpreter, Mr. Velásquez has not provided any trial or deposition testimony or written any publications within the designated time frames under Rule 26.

TFC and Bell reserve the right to supplement with further translations of documents from either of these translators or interpreters as the case progresses and as the needs of the case suggest. TFC and Bell reserve the right to supplement with further translators or interpreters as the case progresses and as the needs of the case suggest.

**III. Provisional experts who may testify under Rule 701, 702, and 703:**

TFC and Bell may offer testimony from the following provisional experts (*i.e.* persons who have personal knowledge of relevant facts and, who by virtue of their knowledge, skill, experience, training or education, may be qualified to testify to matters considered to be the subject of expert testimony). The following provisional experts have not been retained by TFC and Bell and are listed only because they may have knowledge, skill, experience, training, or education in a specialized field. Bell lists these persons as provisional experts in the event any of their testimony might be deemed to be expert testimony.

As to the subject matter, substance of facts and opinions, and summary of grounds of these witnesses, Bell would refer the parties to the depositions of the witnesses and other discovery and documents produced, including statements that may have been made by these witnesses. The following listing of provisional experts is made without waiver of any objections that Bell may have made to the deposition testimony or trial testimony of any of these provisional experts:

Troy Shaffer  
Special Agent  
United States Department of Commerce  
Bureau of Industry and Security  
Dallas Field Office  
Office of Export Enforcement  
Room 622  
525 South Griffin Street  
Dallas, Texas 75202

Phone: 214-767-9294

Fax: 214-767-9299

Mr. Shaffer may testify about the enforcement of various United States export control laws that may apply to the at-issue helicopters. Mr. Shaffer may testify about the diversion and attempted diversion of the at-issue helicopters to Iran and how these actions violated United States export control laws. Mr. Shaffer may testify about the various practices and artifices of persons who attempt to avoid the United States export control laws. Mr. Shaffer may testify about his investigation of the at-issue helicopters, Tiber, Mr. Giommarini, and Italiana Elicotteri. Mr. Shaffer may testify about any matter discussed within the deposition of Mr. Shaffer and the affidavit of Mr. Herrera on file with the Court.

Lorenzo N. Herrera

Special Agent

DHS/ICE – Office of Investigations

SAC Dallas

125 E. John Carpenter Freeway, Suite 800

Irving, TX 75062

**Main** (972) 444-7300

**Fax** (972) 444-7461

Mr. Herrera may testify about the enforcement of various United States export control laws that may apply to the at-issue helicopters. Mr. Herrera may testify about the diversion and attempted diversion of the at-issue helicopters to Iran and how these actions violated United States export control laws. Mr. Herrera may testify about the various practices and artifices of persons who attempt to avoid the United States export control laws. Mr. Herrera may testify about his investigation of the at-issue helicopters, Tiber, Mr. Giommarini, and Italiana Elicotteri. Mr. Herrera may testify about any matter discussed within the deposition of Mr. Shaffer and the

affidavit of Mr. Herrera on file with the Court.

#### **IV. Supplementation and Amendments**

TFC and Bell further reserves the right to later designate as an expert other persons that may be necessary as a result of further discovery or to rebut any presently unknown expert witness or other witness. TFC and Bell further reserve the right to substitute other persons if a designated expert becomes unavailable for trial.

Further information may become available that may require supplementation or amendment of this preliminary designation or that may make such supplementation or amendment desirable. TFC and Bell reserve the right to supplement, revise and/or amend this designation of experts at any time. TFC and Bell reserve the right to supplement and/or amend this designation to respond to the expert designation of any other party.

The substance of the facts and opinions expressed herein are the central ones to be expressed by each witness. TFC and Bell reserves the right for each witness to offer such additional detail and explanation as necessary to fully develop all of the facts and opinions summarized herein.

TFC and Bell reserve the right to offer testimony by cross examination of any other parties' experts.

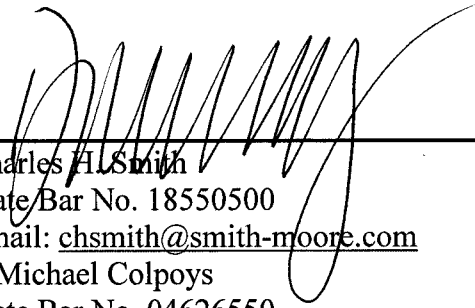
#### **V. Notice of Intent to Raise an Issue of Foreign Law**

Defendants TFC and Bell hereby give notice of their intent to raise issues related to Mexico's laws through this designation and any applicable amendments or supplements. Fed. R. Civ. P. 44.1 ("other writing"). This notice should be understood to include without limitation

Mr. Lopez's and Mr. Velasquez's designations and any applicable amendments or supplements.

Without limitation, this notice includes TFC's status as a proper, registered owner of s/n 36252 and 36207 and Tiber's inability to claim ownership over those helicopters.

Respectfully submitted,



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Charles H. Smith

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J. Michael Colpoys

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OF COUNSEL:

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ATTORNEYS FOR DEFENDANT BELL  
HELICOPTER TEXTRON INC.



**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been served on Plaintiff's counsel of record, as listed below, in accordance with the Federal Rules of Civil Procedure this 8<sup>th</sup> day of October, 2010.

**VIA CM RRR #70092250000081179340**

Clay R. Mahaffey  
United States Attorney's Office  
c/o Burnett Plaza, Suite 1700  
801 Cherry St., Unit 4  
Fort Worth, Texas 76102-6882

**VIA CMRRR #70092250000081179357**

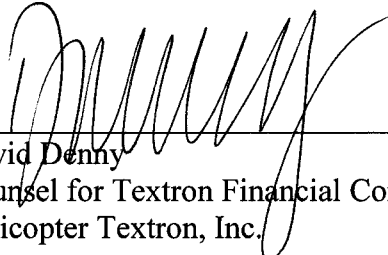
Martin E. Rose  
Don Swaim  
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3500 Maple Ave., Suite 900  
Dallas, Texas 75219

**VIA CM RRR #70092250000081179364**

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**VIA CM RRR# 70092250000081179326**

Stephen C. Howell  
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David Denny  
Counsel for Textron Financial Corporation and Bell  
Helicopter Textron, Inc.